

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Figs. 1 and 2, replaces the original sheet including Figs. 1 and 2. In Figure 1, element 50 has been added.

Attachment: Replacement Sheet(s)
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Claims 1-3 are present in this application. By this Amendment, the Abstract of the Disclosure, the specification, the drawings and claims 1 and 2 have been amended, and claim 3 has been added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The drawings were objected to under 37 C.F.R. §1.83(a). In an effort to obviate this objection, claim 1 has been amended to recite that the conveying means conveys the master specimen container and the slave specimen containers and that the conveying means serves to stop the master and slave specimen containers in the noted positions. Fig. 1 has been amended to include reference numeral '50' schematically showing the conveying means via arrows. The structure of the conveying means is known as noted in the Description of Related Art, and as such, a detailed description of the conveying means is not required.

Withdrawal of the objection is requested.

Claims 1-2 were rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed.

The Office Action contends that the claims and specification fail to provide adequate descriptions or a definition for the respective means in the claim. As noted above, however, the specific structural elements of a suitable conveying means are known, and equivalents thereof would be apparent to those of ordinary skill in the art as any structure suitable for the described purpose. The specification has been amended to clarify that the conveying means is capable of conveying and stopping the containers with known structure, similar to that of the prior art. There is no requirement under 35 U.S.C. §112 to specifically identify "what one considers an equivalent" of the 'means' structure in the claims.

The Office Action further provides that it is “unclear if applicant considers the respective containers, dispensing unit, and dispensing nozzle, as elements to the invention.” Applicant respectfully submits, however, that the claims speak for themselves, and “positive” recitations are not required by 35 U.S.C. §112. In this context, Applicant does not concede the Office Action’s characterization of the claims “for the purpose of examination.” Indeed, the term “aspirating” does not appear in the claims.

The Office Action further provides that claim 2 is not further limiting. Notwithstanding that it has been repeatedly held that there is nothing intrinsically wrong with defining an invention by what it does rather than by what it is (see, e.g., *In re Echerd*, 176 USPQ 321 (CCPA 1973)), claim 2 has been amended to define a plurality of said dispensing means.

Applicant respectfully submits that the claims now more clearly satisfy the requirements of 35 U.S.C. §112, second paragraph. Withdrawal of the rejection is requested.

Claims 1 and 2 were rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,599,476 to Watson. This rejection is respectfully traversed.

Among others, important features of the invention defined in claim 1 include (1) a plurality of conveyor lanes, (2) the master and slave specimen containers being aligned in a conveyance direction, and (3) the dispensing means being movable in a direction crossing the conveyor lanes. With this structure, the invention provides an advantage of shortening the moving time of the nozzle as described in the specification. Claim 2 defines a plurality of the dispensing means, wherein the dispensing means dispenses the specimen to the slave specimen containers from the master specimen container on the conveyor lane concurrently with dispensing operations on the other conveyor lanes.

In this context, Watson discloses structure that conveys the specimen on one lane and lacks at least features (1), (2) and (3) noted above. Since anticipation under §102 requires that each and every feature of the claimed invention be included in the cited reference, Applicant thus respectfully submits that the rejection is misplaced.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1 and 2 were rejected under 35 U.S.C. §102(c) over U.S. Patent No. 6,495,369 to Kercso et al. This rejection is respectfully traversed.

With reference to the comments above, the Kercso patent lacks at least the above features (1) and (2). Rather, Kercso describes structure that moves a specimen container for each plate. Since the noted claimed features are lacking in the Kercso patent, Applicant respectfully submits that the rejection under §102 is misplaced.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1 and 2 were further rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,576,214 to Shaw, and in paragraph 8, claims 1 and 2 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,985,508 to Williams. These rejections are respectfully traversed.

The Shaw and Williams patents describe respective systems that arrange a master specimen container and slave specimen container on different lanes. Consequently, these patents lack at least the above feature (2), reciting that the master and slave specimen containers are aligned in a conveyance direction. Since at least this subject matter is lacking in the cited patents, Applicant submits that the rejection under §102(b) is misplaced.

Reconsideration and withdrawal of the rejections are respectfully requested.

Claim 3 has been added and defines structure related to that of claim 1. Support for the language can be found, for example, in the Abstract. Applicant submits that claim 3 is allowable for similar reasons.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

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